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Tulio R. Prieto (TP-8455)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TBS LATIN AMERICA LINER, LTD.,

Plaintiff,

-against-

CI CORPORACION CARBONES DE LA  
SABANA S.A. a/k/a CORSABANAS,

Defendant.

ECF  
AFFIDAVIT PURSUANT  
TO SUPPLEMENTAL  
RULE B  
08 Civ. 3742 (NRB)

STATE OF NEW YORK     )  
                             ) ss.:  
COUNTY OF NEW YORK )

TULLIO R. PRIETO, being duly sworn, deposes and  
says:

1. I am a member of the Bar of this Court and a member of the firm of Cardillo & Corbett, attorneys for the Plaintiff herein. I am familiar with the facts of this case and make this affidavit in support of Plaintiff's prayer for the issuance of a Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil

Procedure.

2. I have attempted to locate the defendant, CI CORPORACION CARBONES DE LA SABANA S.A., within this District. As part of my investigation to locate the Defendant within this District, I examined the telephone company information directory, as well as the white and yellow pages of New York listed on the Internet or World Wide Web, and did not find any listing for the Defendant.

3. The database of the office of the New York State Secretary of State was searched to determine if Defendant is qualified to do business in New York, without result.

4. On information and belief, Defendant, CI CORPORACION CARBONES DE LA SABANA S.A., was and still is, a foreign corporation, or other business entity, organized under, and existing by virtue of foreign law, with an address at CRA 15 No. 78-67 Ofc 301, Bogota, Colombia. Upon information and belief, Defendant is known as CI CORPORACION CARBONES DE LA SABANA S.A., and CORSABANAS.

5. In consequence of these inquiries your deponent believes that the Defendant cannot be found within the Southern District of New York.

6. Upon information and belief, Defendant has, or will have during the pendency of this action, tangible and intangible property within the District in the hands of

garnishees including, but not limited to, ABN Amro Bank NV, American Express Bank, Banco de Bogota, Banco Popular, Bank Leumi, Bank of America, Bank of China, Bank of Communications Co. Ltd. New York Branch, Bank of India, Bank of New York, Barclays Bank, BNP Paribas, Calyon, Citibank, Commerzbank, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, State Bank of India, Societe Generale, UBS AG and/or Wachovia Bank, in the form of accounts and/or fund transfers identified as follows:

- a) accounts in the name of CI CORPORACION CARBONES DE LA SABANA S.A. and/or CORSABANAS, or
- b) electronic funds transfers listing CI CORPORACION CARBONES DE LA SABANA S.A. and/or CORSABANAS, as a beneficiary of the funds transfer, or
- c) electronic funds transfers showing CI CORPORACION CARBONES DE LA SABANA S.A. and/or CORSABANAS, as the remitting party or ordering customer.

7. This is TBS Latin America Liner, Ltd.'s first request for this relief.

WHEREFORE, TBS LATIN AMERICA LINER, LTD. respectfully requests that the Court authorize the issuance of process in the form of a Writ of Maritime Attachment and Garnishment seeking attachment and garnishment of CI CORPORACION CARBONES DE LA SABANA S.A., a/k/a CORSABANAS 's tangible and intangible

property within this District.

  
TULIO R. PRIETO

Sworn to before me this  
18<sup>th</sup> day of April, 2008

  
NOTARY PUBLIC

**CHRISTOPHIL B. COSTAS**  
Notary Public, State of New York  
No. 31-0773693  
Qualified in New York County  
Commission Expires April 30, 2011